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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 THE UNITED STATES OF AMERICA, ) No. 2:22-cr-00016-DJC  
12 Plaintiff, )  
13 v. ) AMENDED STIPULATION AND  
14 ) ORDER TO STATUS CONFERENCE  
15 BENJAMIN SARGISSON, ) Requested date: 8-22-2024  
16 Defendant, ) Time: 9:00 a.m.  
17 ) Judge: Hon. Daniel J. Calabretta  
18 ====== )  
19

20 It is hereby stipulated between the parties, James Conolly, Assistant United States  
21 Attorney, and Michael Long, attorney for defendant BENJAMIN SARGISSON that the status  
22 conference set for June 20, 2024, at 9:00 a.m. should be continued and re-set for August 22, 2024,  
23 at 9:00 a.m.

24 The parties further agree that this court should make a finding of good cause for the requested  
25 extension and that in fact good cause is hereby shown. The government has provided discovery to  
26 the defense, including audio and video recordings. Mr. Long continues to read, view and listen to the  
27 discovery, investigate the case, order records from county courts and meet with his client. Mr. Long  
28 has requested discovery related to a potential motion to suppress evidence. Mr. Long is deciding  
whether such a motion is viable. Mr. Long is obtaining county court records from past convictions,  
and they are needed to represent Mr. Sargisson effectively. In recent months Mr. Sargisson has had  
medical problems related to his intestines that has made it more difficult to meet with Mr. Long. Mr.

1 Sargisson is pending surgery for the intestinal problem. Counsel believes that failure to grant the  
2 above-requested continuance would deny counsel the reasonable time necessary for effective  
3 preparation, taking into account the exercise of due diligence. Counsel for the United States does  
4 not oppose this requested continuance. All parties are available to appear in this case on August 22,  
5 2024.

6 Each party further stipulates that the ends of justice served by granting such continuance  
7 outweigh the best interests of the public and of all the defendants in a speedy trial. Time has already  
8 been excluded through June 20, 2024.

9  
10 All parties request the date of August 22, 2024, at 9:00 a.m., for the new status hearing. The  
11 request for extending the date for the status conference is at the specific request the defendant and  
12 with the knowing, intelligent and voluntary waiver of the defendant's speedy trial rights under the  
13 law. Good cause is hereby shown.

14  
15 For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq.,  
16 within which trial must commence, the time period from the present date through August 22,  
17 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
18 T4] because it results from a continuance granted by the Court at defendants' request on the basis  
19 of the Court's finding that the ends of justice served by taking such action outweigh the best  
20 interest of the public and the defendant in a speedy trial.

21  
22 Dated: June 17, 2024

Respectfully submitted,

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26  
27 /s/ Michael D. Long  
MICHAEL D. LONG  
Attorney for Benjamin Sargisson

28 Dated: June 17, 2024

PHILLIP A. TALBERT  
United States Attorney

/s/ James Connelly  
JAMES CONOLLY  
Assistant U.S. Attorney

## ORDER

**GOOD CAUSE APPEARING AND HAVING BEEN SHOWN, IT IS SO ORDERED.**

The date for the status hearing in this matter is hereby re-set for August 22, 2024, at 9:00 a.m., before District Court Judge Daniel J. Calabretta.

For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period from the present date through August 22, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendants' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. Time is hereby excluded through the new hearing date of August 22, 2024.

Dated: June 17, 2024

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA  
UNITED STATES DISTRICT JUDGE